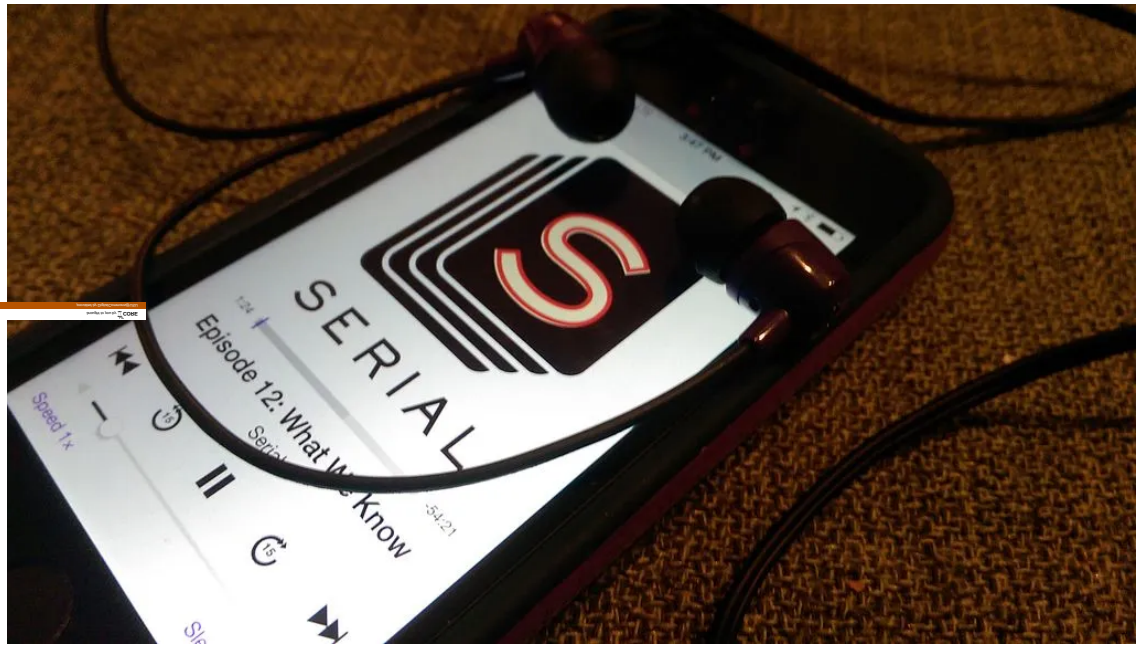
The Ethics of Amateur Podcast Sleuthing

By **Rachel Robison-Greene** - Jun 14, 2017



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In late 2016, *Up and Vanished*, a podcast produced and hosted by independent filmmaker-turned-podcaster Payne Lindsey, released its first episode. The topic of the podcast is the until recently cold murder case of Georgia eleventh-grade history teacher Tara Grinstead. Grinstead went missing, presumably from her home in Ocilla, Georgia, in October 2005.

Lindsey admittedly borrows his presentation style from the now-cult-status podcast, *Serial*. *Serial* is essentially a spinoff of NPR's *This American Life*, and is hosted by one of the show's executive producers, Sarah Koenig. Unlike many other podcasts, *Serial* does not switch subject matter from one episode to the next. Rather, the story follows one story, in detail, through the entire season. The first season focuses on the murder of 18-year-old Woodland High School Senior, Hae Min Lee. Lee's body was found buried in a shallow grave in Leakin Park in downtown Baltimore, Maryland, not far from the high school that she attended. Her ex-boyfriend, Adnan Syed, was tried and convicted of her murder in 2000. *Serial* considers the possibility that he might have been wrongfully convicted.

Podcasting is a relatively new medium. In many ways, the nature of podcasting is defining itself as it goes along. The subject matter is as broad as the range of topics there are to explore, and stories there are to tell. Some podcasters behave like storytellers, others like journalists, others like detectives, and still others like college professors. It is also not uncommon for podcasters to adopt the persona of a close friend, guiding a conversation about a favorite topic over a couple of beers. Whatever the format of the podcast, however, it is common for hosts to have little to no formal background in the topics they're discussing. For example, the popular podcast *Serial Killers* features Vanessa Richardson as one of its hosts. Richardson's role on the podcast is to explain the psychology of serial killers. However, on every episode, before she provides her analysis, her co-host, Greg Polcyn, provides the following disclaimer: "At this point, I would like to introduce Vanessa, who will be providing some insight into the psychology of serial killers. She's not a psychiatrist or a psychologist herself, but she has done a lot of research on the subject." Polcyn makes it clear that Richardson is a layperson who is better informed than most on the topic.

Other true crime podcasters spend little time on disclaimers. After all, they've never claimed to be experts – they're just people recording their opinions and uploading them onto iTunes for public consumption. Let the buyer beware – it's up to them to know what they are getting into. For example, Rolling Stone recently came out with a list of "Ten True Crime Podcasts You Need to Follow." On that list is the podcast *True Crime Garage*, in which two men discuss true crime's most infamous cases over a few beers. They certainly don't check their judgment at the door. Last year, the podcast covered the infamous case of Casey Anthony, a young woman who was tried and ultimately acquitted of

the killing of her three-year-old daughter, Caylee. As part of their coverage, one of *TCG's* hosts, who refers to himself as "The Captain," refers to Casey Anthony as "The Troll," and suggests that we would all like "to see her burn in hell."

It perhaps goes without saying, then, that podcasters demonstrate varying degrees of responsibility in their presentation of sensitive material, and it matters. It is not uncommon for podcasts to have real, concrete effects on the world. For example, the public attention that *Serial* generated set things into motion with respect to Syed's appeals. The podcast was released in 2015, and in 2016, a judge overturned the guilty verdict against Syed and granted him a new trial. The state immediately appealed the decision, but it looks like the podcast may have some substantial, real-life effects on the resolution of that criminal matter.

Up and Vanished may have had a similar impact. In February 2016, Ryan Duke, a former student of Tara Grinstead, was arrested for her murder. He was indicted by a grand jury in April of this year and entered a not guilty verdict in May. There is some reason to believe that the local police found further physical evidence of his participation in the crime at a location to which Duke led them. Many believe that it was the increased scrutiny of the 12-year-old murder by Lindsey that created the climate that led to Duke's arrest.

If podcasts can and do have an impact on events that occur in the real world, it might be time for a code of ethics that governs podcasting. It is not clear, however, what such a code of ethics should look like. Outside of the podcast universe, when we give our attention to a person or group of people to listen to them speak for an extended period of time, we do so because we take them to have an informed opinion on the matter. Is the same true of podcasts? Would it be a better state of affairs, morally speaking, if podcasters were experts in the material that they are presenting?

An opposing position is that, like filmmaking, producing a podcast is a form of art. Artists can take any of a number of forms, and they don't need to look like "experts" in any traditional sense of the word. Laypeople can and do have important things to say about events happening in the world, and if subscribers want to listen to them, they should be given the option to do so.

Opponents might argue that, particularly in the case of true crime, giving laypeople forums to pontificate is dangerous. Payne Lindsey, for example, is not a trained journalist and is not an expert in legal matters or evidence collection. It is possible, however, that some of the observations that he makes in his podcast could adversely affect the trial, and, as a result, might prevent the community from finally getting justice for Grinstead.

Consider the following example. One key bit of evidence in the Grinstead trial is a latex glove that was found on the victim's yard when her house was investigated after she went missing. This glove contained DNA evidence that might make the guilt of a particular suspect quite probable. In interviews with witnesses 12 years after the fact, Lindsey makes much of the fact that some important people involved with the glove remember the glove as white, while others seem to recall that it was blue. He further suggests that the DNA evidence was not properly handled after it was collected. He hints at police corruption. He has also interviewed key witnesses in the case on the podcast. Time can only tell whether his actions will make a difference to the outcome of the trial.

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